

David B. Rosenbaum, Chair
Commercial Court Review Committee, Petitioner
1501 W. Washington St.
Phoenix, AZ 85007

SUPREME COURT OF ARIZONA

PETITION TO PERMANENTLY)	Supreme Court No. R-18-0033
ADOPT AND AMEND RULE 8.1,)	
ARIZONA RULES OF CIVIL)	Reply
PROCEDURE)	
)	
_____)	

Discussion. The Commercial Court Review Committee (“CCRC”) and its undersigned Chair have considered the comments submitted by Mr. Andrew Jacobs and the Honorable Janet Barton. The CCRC agrees with their proposed revisions, specifically,

- Mr. Jacobs’ proposal to modify the case management provisions of Rule 8(e), which would harmonize Rule 8.1 with the recently adopted provisions of Rule 26.2; and
- Judge Barton’s proposal to modify Rule 8.1(d)(5), so that decisions regarding reassignment of ineligible cases would be made by the presiding judge or a designee.

Petitioner has modified the original Appendix by incorporating both proposed revisions within the Appendix to this reply.

Proposed Effective Date. Administrative Order No. 2018-64 provided that the Court would consider this petition on its December 2018 rules agenda. Petitioner proposes that the Rule 8.1 amendments become effective on January 1, 2019. Petitioner recognizes that the time between the December rules agenda and the suggested effective date is a short interval, and that this timetable would not permit publication of these rule changes in a print volume of the Civil Rules until later in 2019. However, Petitioner notes that at present, there is a commercial court program only in Maricopa County, that [the Superior Court in Maricopa County has a webpage for the commercial court](#), which includes a link to Rule 8.1, and that the Superior Court has updated the rule on its webpage following the rule's periodic modifications during the past three years. Most commercial court filers are familiar with this webpage and accordingly they will have timely and direct access to the latest Rule 8.1 revisions.

Conclusion. Petitioner requests the Court to permanently adopt Rule 8.1 with these additional modifications shown in the Appendix to this reply, effective January 1, 2019.

RESPECTFULLY SUBMITTED this 23rd day of October 2018.

By /s/ David B. Rosenbaum
David B. Rosenbaum, Chair